

AGENDA

Commuter Rail and Transit Committee Meeting

November 19, 2009

12:00 p.m.

Location

SANBAG Office
Super Chief Conference Room
1170 West 3rd St., 2nd Fl.
San Bernardino, CA

Commuter Rail Committee Membership

Chair

Mayor Pro Tem Patricia Gilbreath
City of Redlands

Mayor Pro Tem Bill Jahn
City of Big Bear Lake

Vice Chair

Mayor Paul Eaton
City of Montclair

Council Member Bea Cortes
City of Grand Terrace

Mayor Kelly Chastain
City of Colton

Council Member Mike Leonard
City of Hesperia

Mayor Patrick Morris
City of San Bernardino

Council Member Larry McCallon
City of Highland

Mayor John Pomierski
City of Upland

Council Member Diane Williams
City of Rancho Cucamonga

Supervisor Neil Derry
County of San Bernardino

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

The San Bernardino County Transportation Commission, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.

The San Bernardino County Transportation Authority, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.

The Service Authority for Freeway Emergencies, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.

The Congestion Management Agency, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.

As a Subregional Planning Agency, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
Service Authority for Freeway Emergencies
County Congestion Management Agency**

Commuter Rail and Transit Committee Meeting

November 19, 2009

12:00 p.m.

Location: SANBAG Office, 1170 West 3rd St., 2nd Fl., San Bernardino

R.S.V.P. by Monday, November 16th to Daylene at (909) 884-8276

CALL TO ORDER

(Meeting Chaired by Mayor Pro Tem Patricia Gilbreath)

- I. Attendance**
- II. Announcements**
- III. Agenda Notices/Modifications - Daylene Burris**

- 1. Possible Conflict of Interest Issues for the Commuter Rail and Transit Committee Meeting of November 19, 2009** Pg. 6

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Committee Member abstentions shall be stated under this item for recordation on the appropriate item.

Consent Calendar

- 2. Commuter Rail and Transit Committee Attendance Roster** Pg. 7

A quorum shall consist of a majority of the membership of each Policy Committee, except that all County Representatives shall be counted as one for the purpose of establishing a quorum.

Notes/Actions

Discussion Items

3. **Interim Long Range Transit Plan for San Bernardino County** Pg. 9
 1. Receive presentation from Parson Transportation Group; and
 2. Approve the Interim Draft Long Range Transit Plan for San Bernardino County.

4. **Memorandum of Understanding (MOU) Contract No. C10131 between SANBAG and Victor Valley Transit Authority** Pg. 28

Approve MOU between SANBAG and VVTA regarding further exploration of the VVTA administrative functions and further activities SANBAG will provide upon direction.

5. **Memorandum of Understanding (MOUs) for the substitution of State Transit Assistance (STA) for Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) and California Transit Security Grant Program – California Transit Assistance fund (CTSGP-CTAF).** Pg. 34
 1. Approve MOU C10135 with Omnitrans in the amount of \$6,950,690, MOU C10137 with the Morongo Basin Transit Authority (MBTA) in the amount of \$255,079, and MOU C10138 with the City of Barstow in the amount of \$312,171.
 2. Approve amendment to Task Budget 50710000 increasing the budget authority amount by \$7,517,940 for a new total of \$8,402,350 as identified in the Financial Impact Section.

6. **Rail and Transit Program Update** Pg. 49

Staff will present current rail and transit programs.

Public Comments

7. **Additional Items from Committee Members**
8. **Brief Comments by the General Public**

Additional Information

Acronym List Pg. 50

ADJOURNMENT

Complete packages of the SANBAG agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the SANBAG offices located at 1170 W. 3rd Street, 2nd Floor, San Bernardino and our website: www.sanbag.ca.gov.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on "Request to Speak" forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion: In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may "Call for the Question."
- Upon a "Call for the Question," the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair's discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair's direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
 ■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 1

Date: November 19, 2009

Subject: Information Relative to Possible Conflict of Interest

Recommendation*: Note agenda items and contractors/subcontractors which may require member abstentions due to possible conflicts of interest.

Background: In accordance with California Government Code 84308, members of the Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual. This agenda contains recommendations for action relative to the following contractors:

| Item No. | Contract No. | Contractor/Agents | Subcontractors |
|----------|--------------|-------------------|----------------|
| | | | |

Financial Impact: This item has no direct impact on the budget.

Reviewed By: This item is prepared monthly for review by the Board of Directors and Policy Committee members.

*

Approved
Commuter Rail and Transit Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

COMMUTER RAIL AND TRANSIT POLICY COMMITTEE ATTENDANCE RECORD – 2009

Commuter Rail and Transit Policy Committee Meetings are held on odd months

| Name | Jan | Feb | March | April | May | June | July | Aug | Sept | Oct | Nov | Dec |
|---|-----|-----|-------|-------|-----|------|------|-----|------|-----|-----|-----|
| Patricia Gilbreath City of Redlands | X | | X | | X | | X | | X | X | | |
| Bea Cortes City of Grand Terrace (Appointed May 2007) | X | | | | X | | X | | X | X | | |
| Kelly Chastain City of Colton (Appointed February 2007) | X | | X | | X | | X | | X | X | | |
| Paul Eaton City of Montclair | X | | | | | | X | | X | X | | |
| Neil Derry County of San Bernardino (Appointed March 2009) | | | | | X | | X | | X | | | |
| Bill Jahn Mayor Pro Tem (Appointed October 2009) | | | | | | | | | | | | |
| Mike Leonard Council Member (Appointed October 2009) | | | | | | | | | | X | | |
| Larry McCallon City of Highland (Appointed June 2007) | X | | X | | X | | | | X | X | | |
| Patrick Morris City of San Bernardino (Appointed May 2006) | X | | X | | X | | X | | X | X | | |
| John Pomierski City of Upland (Appointed March 2009) | | | X | | | | X | | X | X | | |
| Diane Williams City of Rancho Cucamonga | X | | X | | X | | X | | X | X | | |

X = Member attended meeting.

*Empty box = Member did not attend meeting.

Crossed out box = Not a member at the time.

COMMUTER RAIL POLICY COMMITTEE ATTENDANCE RECORD – 2008

Commuter Rail Policy Committee Meetings are held on odd months

| Name | Jan** | Feb | March | April | May | June | July | Aug | Sept | Oct | Nov | Dec |
|---|-------|-----|-------|-------|-----|------|------|-----|------|-----|-----|-----|
| Patricia Gilbreath City of Redlands | | | X | | | | X | | X | X | X | X |
| Bea Cortes City of Grand Terrace (Appointed May 2007) | | | X | | | | | | X | X | X | X |
| Kelly Chastain City of Colton (Appointed February 2007) | | | | | X | | X | | *** | X | | X |
| Paul Eaton City of Montclair | | | X | | X | | X | | X | X | X | X |
| Paul Leon City of Ontario (Appointed April 2007) | | | | | X | | X | | | X | X | X |
| Larry McCallon City of Highland (Appointed June 2007) | | | X | | X | | X | | X | X | X | X |
| Patrick Morris City of San Bernardino (Appointed May 2006) | | | X | | X | | X | | X | X | X | |
| Diane Williams City of Rancho Cucamonga | | | X | | X | | X | | X | X | X | X |

**Commuter Rail Committee Did Not Meet

***John Mitchell was present for the City of Colton

Crossed out box = Not a member at the time.
1 of 1

* = Alternate member attended meeting. Empty box = Member did not attend meeting

X = Member attended meeting.
CRCATT08

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 3

Date: November 19, 2009

Subject: Interim Long Range Transit Plan for San Bernardino County

Recommendation:

1. Receive presentation from Parsons Transportation Group; and
2. Approve the Interim Draft Long Range Transit Plan for San Bernardino County.

Background: The Interim draft Long Range Transit Plan (LRTP) available at <http://www.sanbag.ca.gov/commuter/LRTP/LRTP-draft2009.pdf> for San Bernardino County establishes a vision for transit for the next 25 years and prioritizes goals and projects for transit growth in the San Bernardino and Victor Valleys, the two urbanized areas in the County, by addressing the county's current and future travel challenges and create by a system that can increase the future role, efficiency, and sustainability of transit. The plan also discusses the relationship of land use and transportation with a particular emphasis on improving performance in the San Bernardino Valley transit services, particularly with regard to SB 375, the housing, land use, and air quality bill aimed at implementing Green House Gas reduction goals by integrating land use, housing, and regional transportation planning. The plan also provides information to be included in the next Regional Transportation Plan (RTP) prepared by SCAG. The purpose of the plan is to address the county's current and future travel challenges and create a system that can increase the role and sustainability of transit.

Approved
Commuter Rail and Transit Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

The development of the Interim Draft LRTP began with creating and analyzing a range of alternatives that address the San Bernardino and Victor Valleys' mobility needs. Coordination with transit agencies, local government, and input from the community led to the development of alternatives:

Baseline Alternative – existing transit services only

Plan Alternative – existing services and currently planned transit improvements

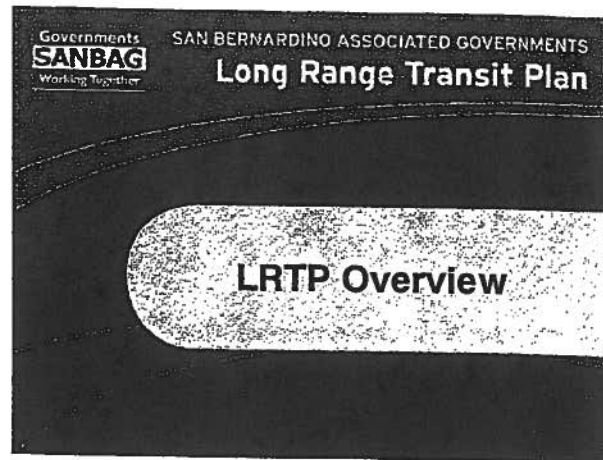
Vision Alternative – existing transit, currently planned transit, and rapid bus and rail

Sustainable Land Use Alternative – redistributes population and employment growth to transit corridors and creates Transit Oriented Development (TOD) at station areas for implementation of SB 375 (San Bernardino Valley only).

Financial Impact: This item is consistent with the 2009/2010 adopted budget. Staff time is funded under Task 30910000 – General Transit

Reviewed By: This item is scheduled for review by the Commuter Rail and Transit Committee on November 19, 2009

Responsible Staff: Mitchell Alderman, Director of Transit and Rail



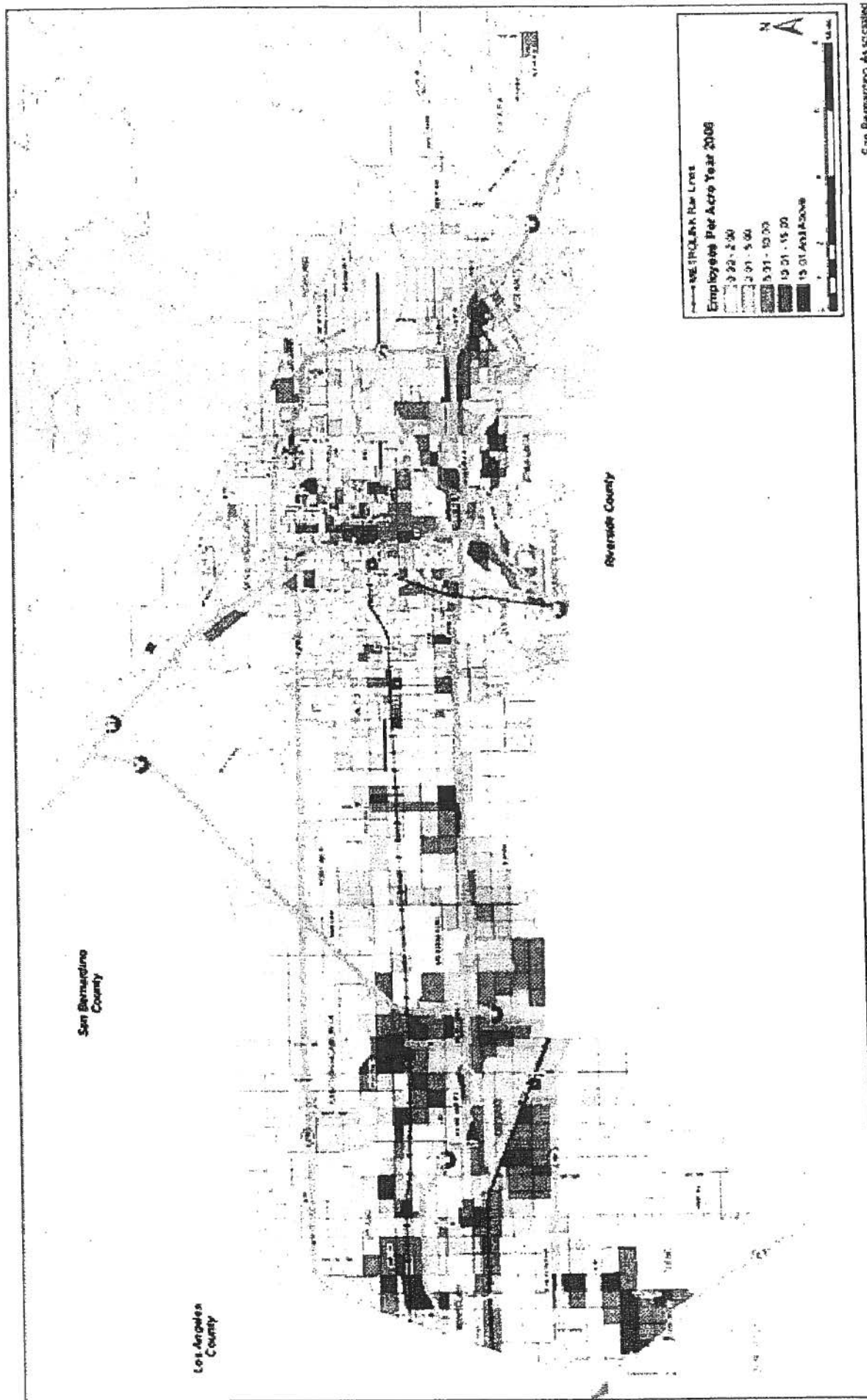
What is the LRTP?

- Provides a vision for transit for the next 25 years
- Prioritizes transit goals and projects
- Connects land use and transportation strategies
- Allows access to various funding sources
- Meets legal mandates for planning and programming

Why LRTP?

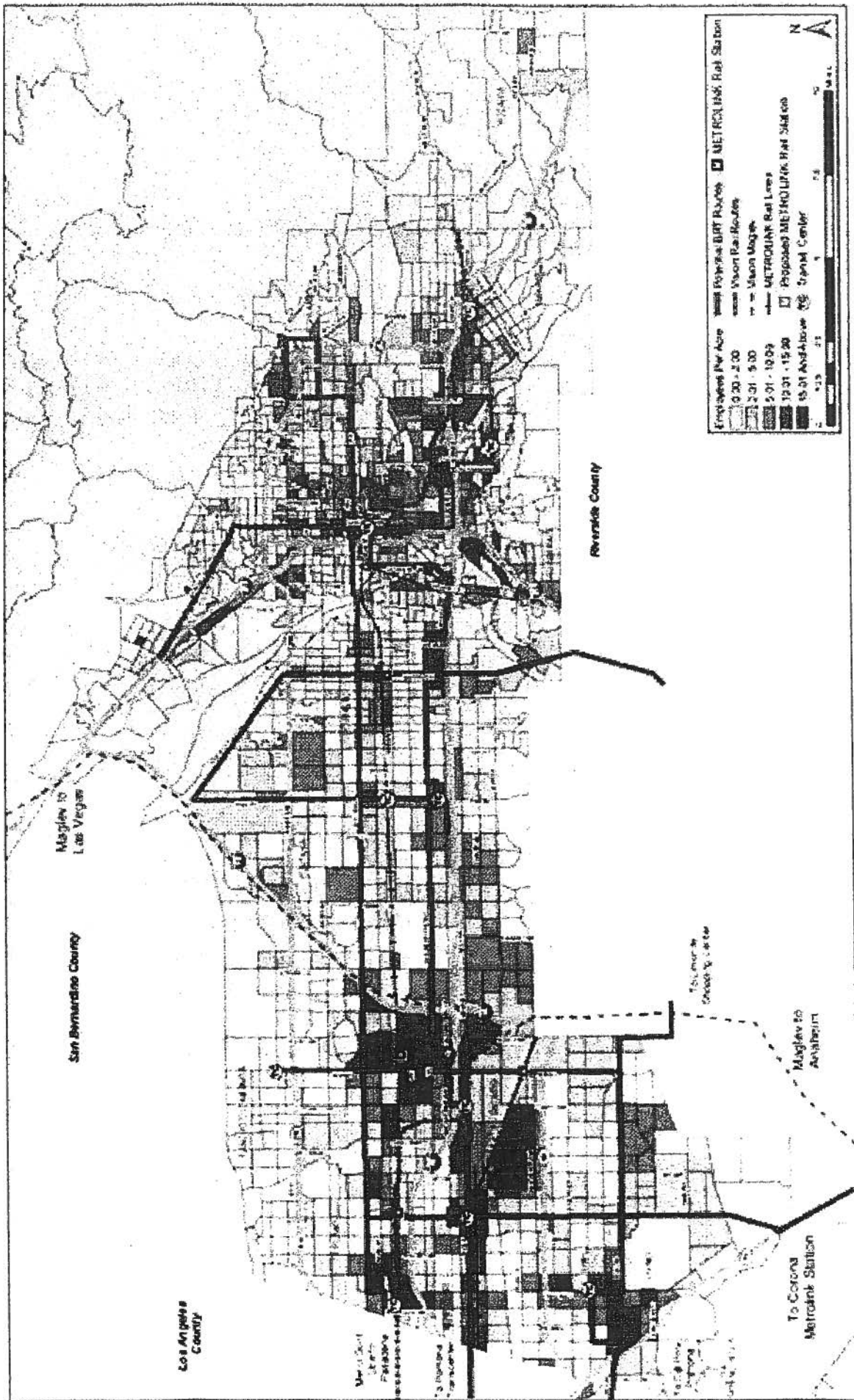
- By 2035, the San Bernardino Valley will experience considerable growth:
 - 36% more population,
 - 42% more households,
 - 77% more jobs, and
 - 53% more daily trips.





San Bernardino Associated
Governments (SABAG)
August 2009

Existing Employment Density **DRAFT LONG RANGE TRANSIT PLAN (LRTP) for the San Bernardino Valley**



San Bernardino Associated
Governments (SABAG)
August 2009

VISION Employment Density Year 2035 **DRAFT LONG RANGE TRANSIT PLAN (LRTP) for the San Bernardino Valley**

Why LRTP?

- Provides a "green solution" by reducing emissions and energy consumption
- Attracts commuters to transit
- BRT and rail encourage "transit-oriented" land use development near stations
 - Saves driving time
 - Reduces dependence on cars
 - Encourages community revitalization
 - Addresses SB375

LRTP Process

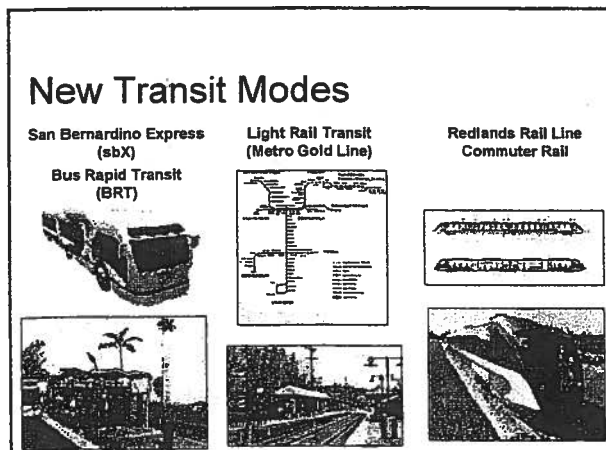
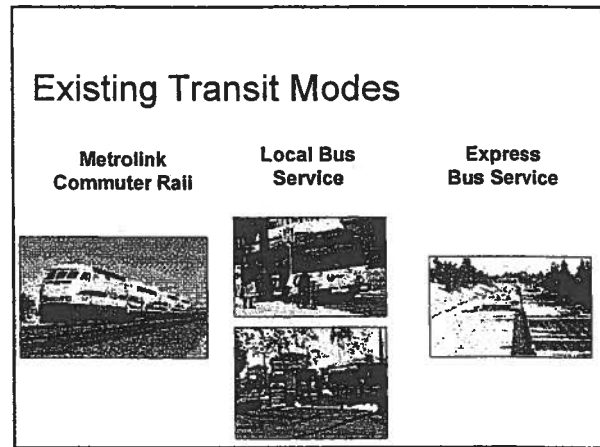


LRTP Process



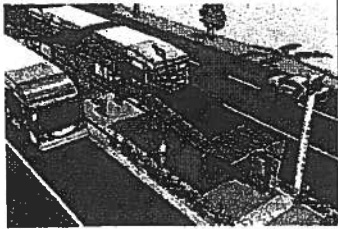
What We Heard from Public Outreach Efforts:

- Input on LRTP alternatives
- Strong support for LRTP
- Desire for improved bus service
- Interest in multiple technologies



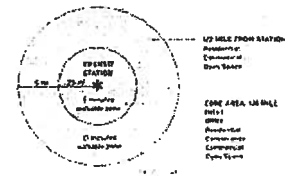
Bus Rapid Transit (BRT)

- sbX E Street
- Exclusive bus lanes
- Frequent service
- Fewer stops
- Higher than average speeds
- Revitalization and economic development

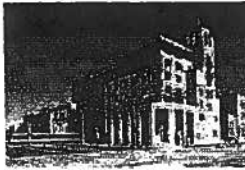
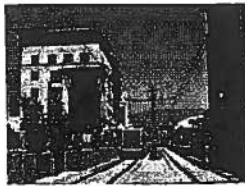
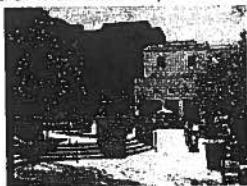


Sustainable Land Use & Transit Oriented Development (TOD)

- Features compact, mixed-use development, near transit stations (BRT or Rail)
- Walkable (5-10 minute walking radius)
- Attracts economic development
- Improves transit ridership
- SB 375 implementation



Del Mar Station, Pasadena TOD



Governments
SANBAG
Working Together

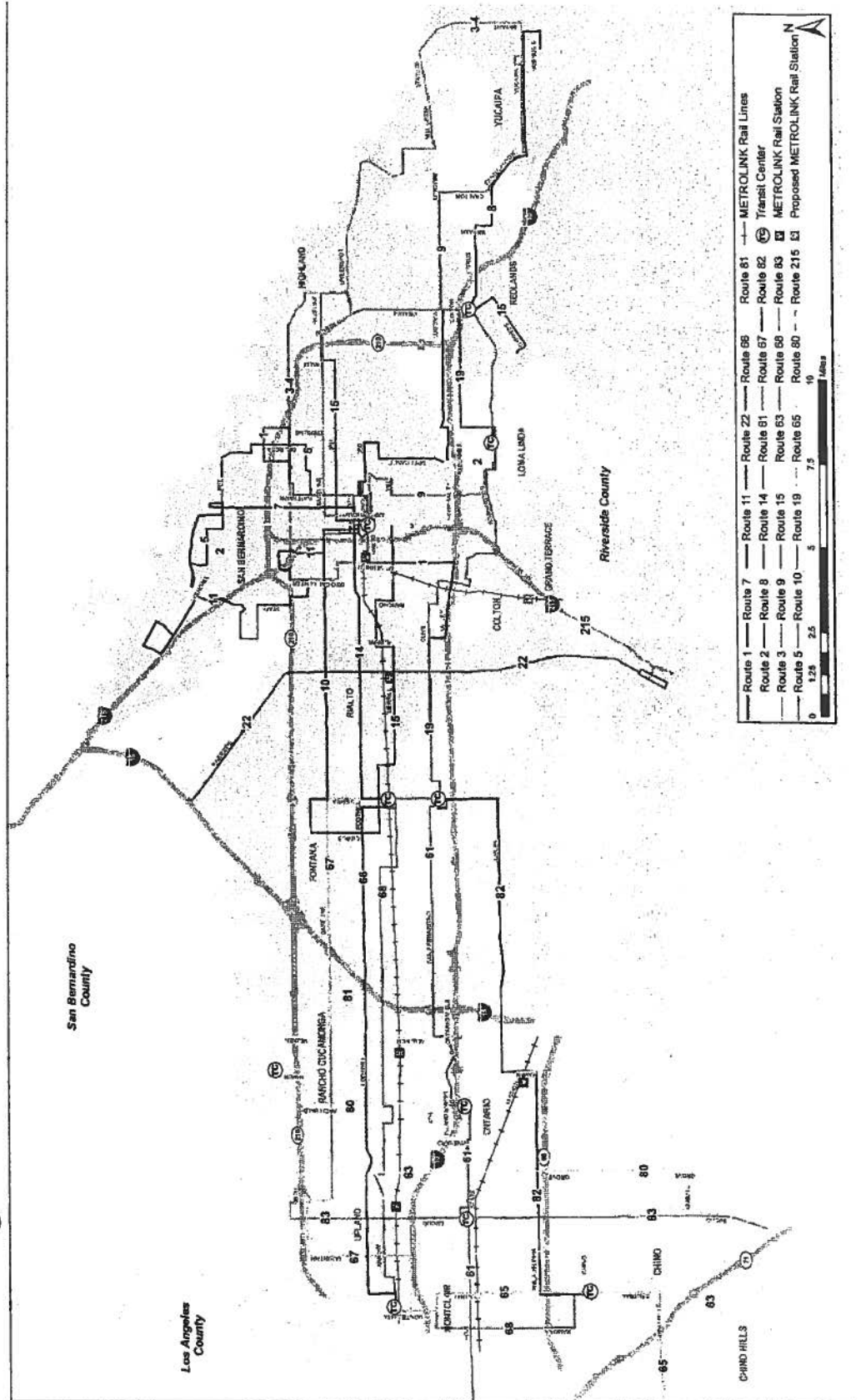
SAN BERNARDINO ASSOCIATED GOVERNMENTS

Long Range Transit Plan

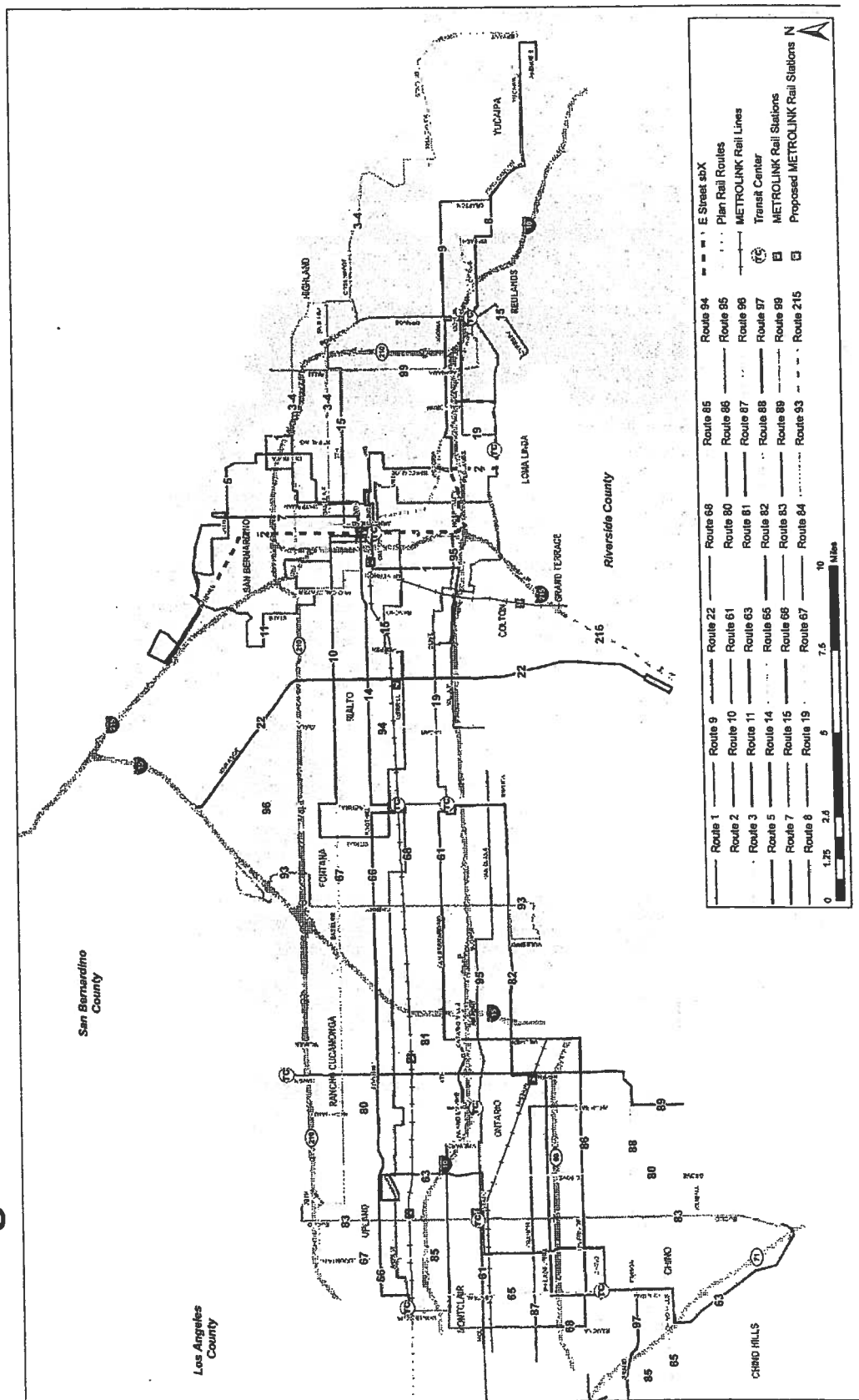
L RTP Alternatives

Baseline Alternative 2035

- Existing transit service

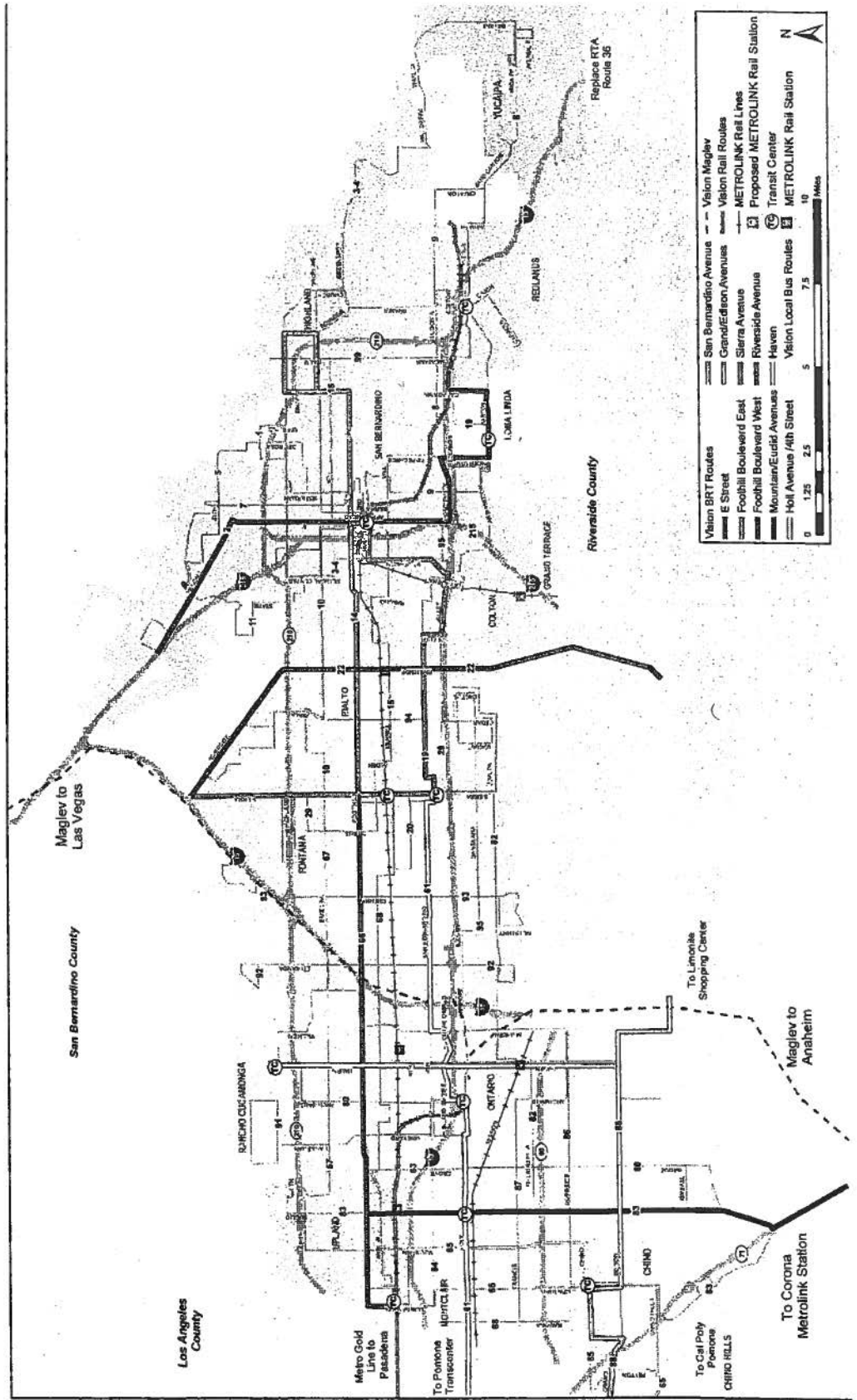


- Existing Transit Service + Additional Service for Growth



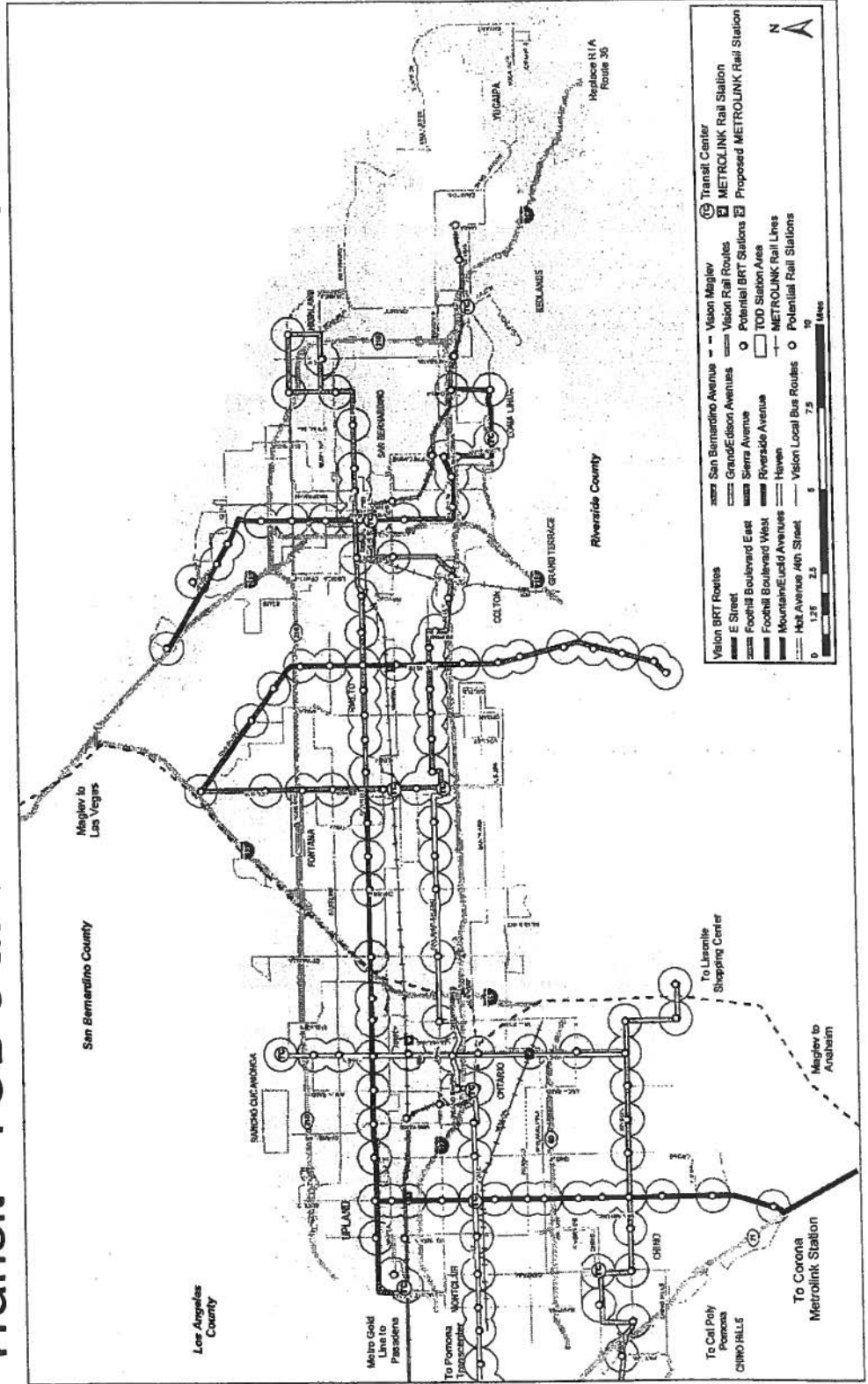
Vision Alternative 2035

- Existing transit + growth improvements + BRT and rail



Vision Sustainable Land Use Alternative 2035

- Best Transit +TOD's at Station areas for SB 375 Implementation



Comparison of Alternatives San Bernardino Valley

| | Baseline | Plan | Vision | Sustainable Vision |
|-----------------------|-----------------|-----------------|---------------|-----------------------|
| Daily Riders | 270,000 | 496,000 | 594,000 | 668,000 |
| Net Annual Cost | \$ 114.1 mil | \$ 233.4 mil | \$ 380 mil | \$ 380 mil |

Recommended LRTP

- Metrolink Strategic Enhancements & Extension
- Redlands Commuter Rail
- Metro Gold Line to Montclair
- Four Omnitrans sbX Corridors
- Increased Omnitrans Local Bus Service

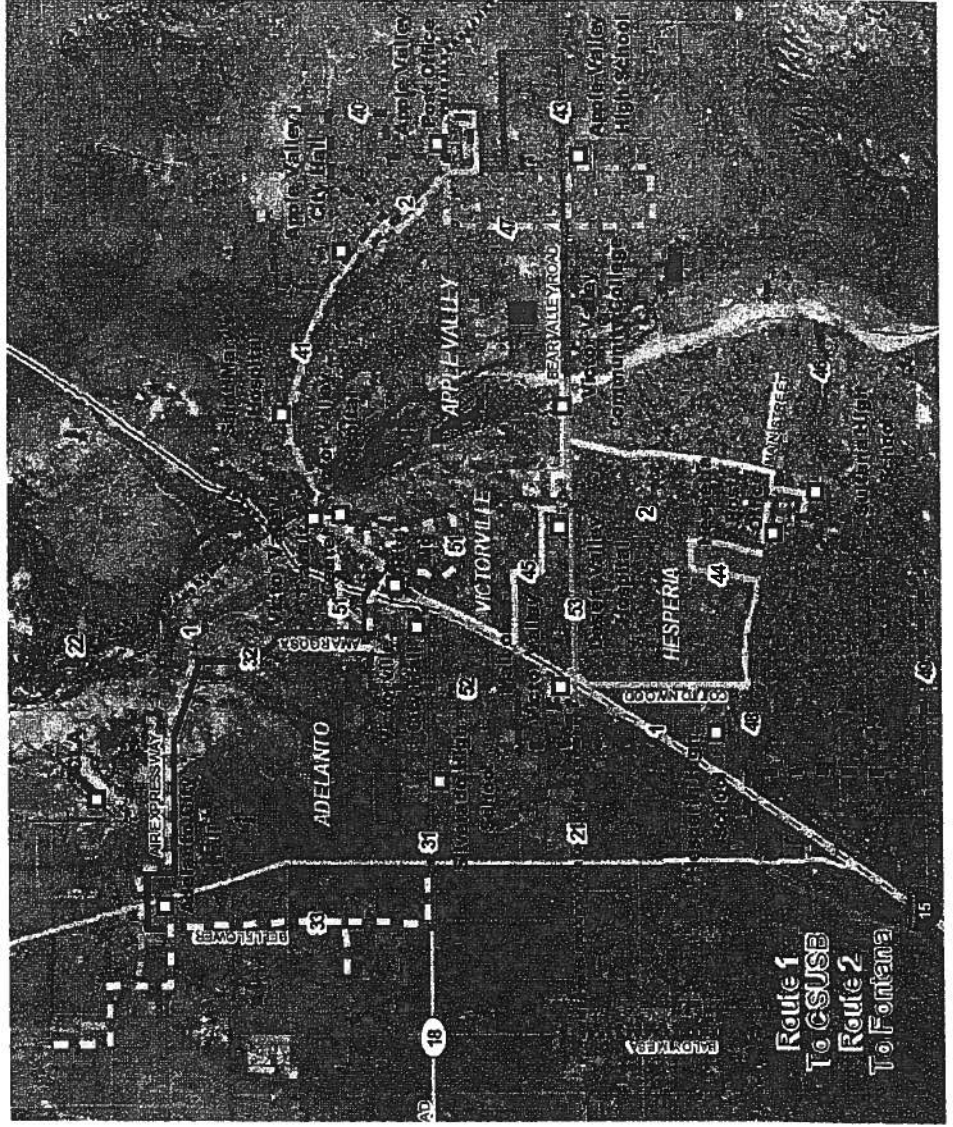
Victor Valley Baseline Alternative 2035

- Existing transit service



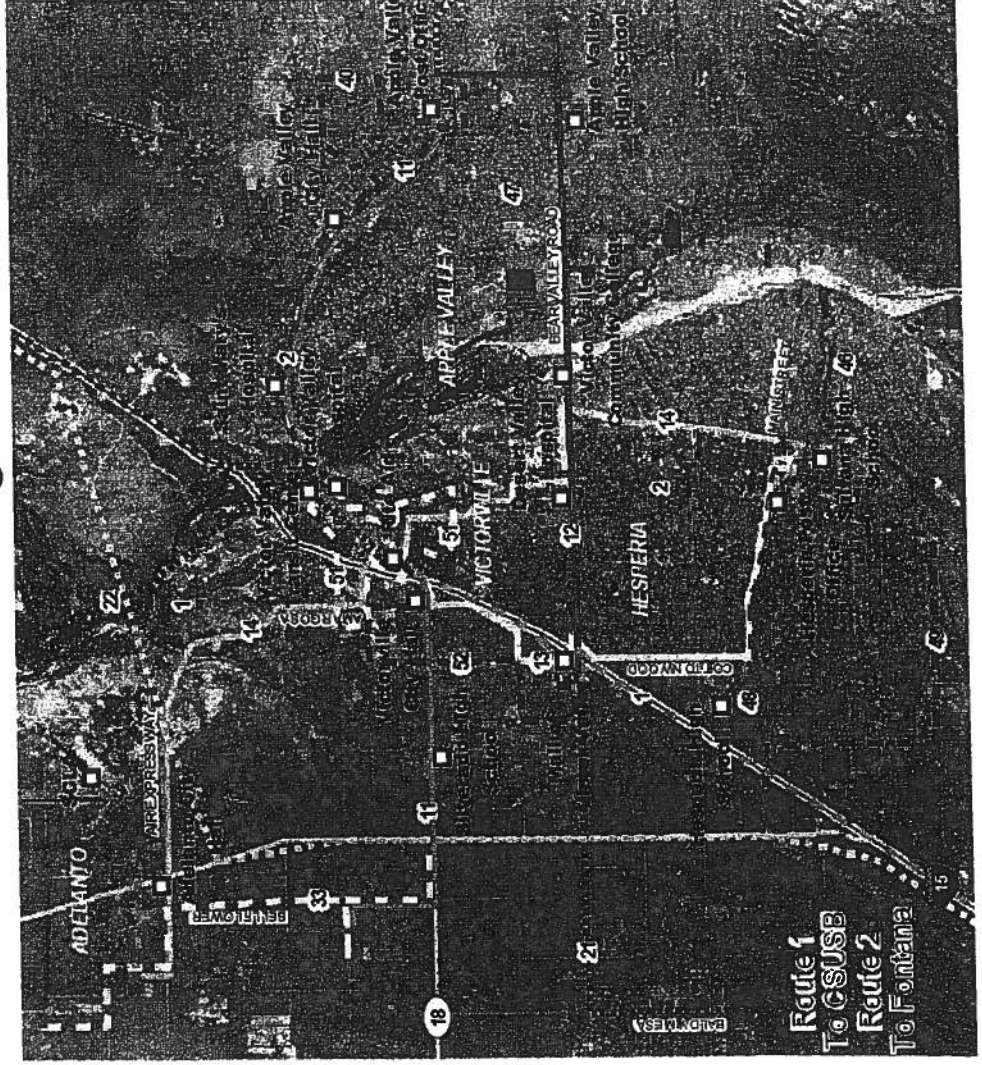
Victor Valley Plan Alternative 2035

- Increased Service and Frequency to Serve Growth



Victor Valley Vision Alternative 2035

- Planned Service + Cost saving route restructuring



Comparison of Alternatives Victor Valley

| | Baseline | Plan | Vision |
|-----------------|-------------|-------------|-------------|
| Daily Riders | 4,560 | 8,780 | 9,450 |
| Net Annual Cost | \$ 12.9 mil | \$ 15.0 mil | \$ 15.0 mil |



Recommended Plan: Vision Sustainable Land Use 2035

Based on:

- Cost & Ridership/Performance factors
- Economic development potential
- SB 375 requirements
- Public input
- Integration of plan with existing transit system

Committee / Board Actions

Interim Draft LRTP Review

- Commuter Rail & Transit – November 19, 2009
- Mountain and Desert – November 20, 2009
- Board – Dec. 2, 2009

Final LRTP Review/Adoption

- Summer 2010 with SB 375 requirements

Minute Action

AGENDA ITEM: 4

Date: November 19, 2009

Subject: Memorandum of Understanding (MOU) Contract No. C10131 between SANBAG and Victor Valley Transit Authority

Recommendation:* Approve MOU between SANBAG and VVTA regarding further exploration of the VVTA administrative functions and further activities SANBAG will provide upon direction.

Background: In June of 2009, SANBAG received the final FY 2006-2008 Transportation Development Act Triennial Performance Audit of Victor Valley Transit Authority. The audit was reviewed and accepted by the VVTA Board in August. The audit includes findings and recommendations. One carryover recommendation from the 2004-2006 audit report is the creation of a financial officer position. This position has been identified as a high priority that would require VVTA to develop an accrual accounting system, develop methodologies to allocate operating expenses, monitor reporting of performance, operating and capital costs and budgets. The audit report recommended hiring a person to augment staff in this capacity. Related to this recommendation, the new report noted that the costs of continuing to contract for VVTA administrative function would be compared with the prospective cost of directly employing a management team. Since the current contract for administrative services expires in February 2010, SANBAG believes that it is prudent to consider a cost comparison between contract and direct employment.

*

Approved
Commuter Rail and Transit Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

On October 7, 2009, the VVTA Technical Advisory Committee met and discussed options set forth in the VVTA joint powers agreement for obtaining General Manager and other administrative services and the process to evaluate those options. Due to the need to keep the current administrative staff separated from this procurement process and the limitations of TAC member resources to dedicate to the procurement process, SANBAG has offered to expend up to \$25,000 to provide the VVTA Board with a more detailed description of the process and cost involved in bringing the VVTA administrative function in-house.

This MOU sets forth the understanding of the parties as to their roles and responsibilities in this process. VVTA will retain the responsibility to determine the process for obtaining administrative services and will select the provider of those services. SANBAG will provide a detailed process for hiring staff and information on related costs and, at the option of the VVTA Board, SANBAG will develop position descriptions, give information on administrative functions such as the administration of benefits and payroll, and will develop human resource policies related to bringing the General Manager and other administrative positions in house at a cost not to exceed \$25,000.


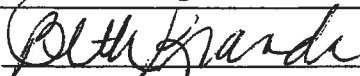
- Financial Impact:*** This item is consistent with the adopted budget. The funding for this work effort is provided under Task 30910000 – Local Transportation Funds - Planning
- Reviewed By:*** This item is scheduled for review by the Commuter Rail and Transit Committee on November 19, 2009. The MOU has been reviewed and approved by SANBAG legal counsel
- Responsible Staff:*** Mitch Alderman, Director of Transit and Rail

SANBAG Contract No. 10131

by and between San Bernardino Associated Governments and Victor Valley Transit Authority
for further exploration of VVTA Administrative Functions

| FOR ACCOUNTING PURPOSES ONLY | | | | | | |
|--|-------------------------|---------------------------|--|--|---|--|
| <input type="checkbox"/> Payable | Vendor Contract # _____ | | Retention: | | <input type="checkbox"/> Original | |
| <input type="checkbox"/> Receivable | Vendor ID _____ | | <input type="checkbox"/> Yes _____ % <input type="checkbox"/> No | | <input type="checkbox"/> Amendment | |
| Notes: There is no money exchanged in this MOU. SANBAG is offering to complete further work on this study not to exceed costs of \$25,000 | | | | | | |
| Original Contract: | | \$ <u>0</u> | Previous Amendments | | \$ _____ | |
| Contingency / Allowance Amount | | \$ _____ | Previous Amendments | | \$ _____ | |
| | | | Contingency / Allowance Total: | | \$ _____ | |
| | | | Current Amendment: | | \$ _____ | |
| | | | Current Amendment Contingency / Allowance: | | \$ _____ | |
| Contingency Amount requires specific authorization by Task Manager prior to release. | | | | | | |
| Contract TOTAL ▶ | | | | | \$ <u>0</u> | |
| * Funding sources remain as stated on this document unless and until amended by proper authority. Funding sources are those which are ultimately responsible for the expenditure. | | | | | | |
| ▼ Include funding allocation for the original contract or the amendment | | | | | | |
| Main Task/ Project | Level 1 | Level 2 | Cost Code/ Object | Grant ID/ Supplement | Funding Sources/ Fund Type (Measure I, STP, CMAQ, etc.) | Amounts for Contract Total or Current Amndmnt Amt |
| <u>30910000</u> | _____ | _____ | _____ | _____ | <u>LTF Planning</u> | \$ <u>0</u> |
| _____ | _____ | _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | _____ | _____ | \$ _____ |
| Original Board Approved Contract Date: _____ | | | | Contract Start: _____ | | Contract End: _____ |
| New Amend. Approval (Board) Date: _____ | | | | Amend. Start: _____ | | Amend. End: _____ |
| Allocate the Total Contract Amount or Current Amendment amount between Approved Budget Authority in the current year and Future Fiscal Year(s) Unbudgeted Obligation . | | | | | | |
| Approved Budget Authority ▶ | | Fiscal Year: _____ | | Future Fiscal Year(s) – Unbudgeted Obligation | | \$ <u>0</u> |
| | | align="right">\$ <u>0</u> | | ▶ | | |
| <input type="checkbox"/> Budget authority for this contract currently exists in Task No. _____ (C-Task may be used here.). | | | | | | |
| <input type="checkbox"/> A budget amendment is required. A Budget Amendment Request is attached. | | | | | | |

| CONTRACT MANAGEMENT | |
|--|---|
| Check all applicable boxes: | |
| <input checked="" type="checkbox"/> Intergovernmental | <input type="checkbox"/> Private |
| <input type="checkbox"/> Disadvantaged Business Enterprise (DBE) | <input type="checkbox"/> Underutilized DBE (UDBE) |
| <input type="checkbox"/> Federal Funds | <input type="checkbox"/> State/Local Funds |

| | | | |
|---|--|--|--|
| Task Manager: Mitch Alderman | | Contract Manager: Beth Kranda | |
|  | |  | |
| Task Manager Signature | | Contract Manager Signature | |
| Date <u>11/10/09</u> | | Date <u>11/10/09</u> | |

Chief Financial Officer Signature _____ Date _____

MOU C10131
Between
Victor Valley Transit Authority
and
San Bernardino Associated Governments

This Memorandum of Understanding (MOU) is made and entered into by and between Victor Valley Transit Authority (VVTA) and San Bernardino Associated Governments (SANBAG) to set forth the services which SANBAG shall provide to VVTA to assist VVTA's exploration and evaluation of options for employment of administrative staff.

WHEREAS, the SANBAG TDA Triennial Performance Audit of VVTA demonstrated the need for a chief financial officer, and,

WHEREAS, VVTA has need of assistance to identify and review options for employment of administrative staff, and,

WHEREAS, VVTA may have need of assistance in establishing an infrastructure to employ administrative staff; and,

WHEREAS, SANBAG has the staff and other resources to provide such assistance to VVTA.

NOW THEREFORE, VVTA and SANBAG agree as follows:

- I. **TERM**
This MOU shall be effective for six months from the date approved by the last party, but may be terminated earlier or extended by mutual consent.
- II. **VVTA RESPONSIBILITIES:**
 - A. The VVTA Board of Directors shall advise SANBAG of the scope of the assistance requested. If the scope of the requested assistance is stated through VVTA Board action at a public meeting, then VVTA need not provide SANBAG with approved minutes of its action to be effective. Further, VVTA may communicate with SANBAG on the scope of assistance requested through any contractor or staff authorized by the VVTA Board.
 - B. VVTA will retain the responsibility to determine the process for obtaining administrative services and also will select the provider of those services.
- III. **SANBAG RESPONSIBILITIES**
 - A. SANBAG shall provide to VVTA, at no cost to VVTA as long as said costs do not exceed \$25,000, the following assistance in a timely manner.

1. SANBAG shall provide a detailed description of the process and cost involved in bringing the VVTA administrative function in-house, including:

- a. A description of the legally mandated process for hiring staff, with technical legal input from VVTA's counsel.
- b. categories and parameters of related costs and timeframes.

B. At the option of the VVTA Board, SANBAG will provide additional assistance for the hiring of administrative staff, as long as the costs for both II. A and B did not exceed \$25,000, including:

1. develop position descriptions, give information on and also provide further information on administrative functions such as the administration of benefits and payroll, and,
2. develop human resource policies related to taking General Manager and other administrative positions in house.

III. THE PARTIES MUTUALLY AGREE:

A. That this MOU will require review by the SANBAG Mountain/Desert and Commuter Rail and Transit Committees and will require final approval of the full SANBAG Board of Directors.

IV. NOTICES

When notices are required, such notices shall be provided in writing, sent by mail to the appropriate address listed below:

VVTA: Chair, Board of Directors
11741 East Santa Fe Avenue
Hesperia, CA 92345-8305

SANBAG: Mitchell A. Alderman, PE
Director of Transit and Rail Programs
1170 West Third Street, Second Floor
San Bernardino, CA 92410-1715

V. INVALID CONDITIONS:

If any one or more terms, conditions or promises of this MOU shall to any extent be judged invalid, void, voidable or unenforceable by a court of competent jurisdiction, the remaining terms shall not be affected and shall be valid and enforceable to the fullest extent permitted by law.

VI. LEGAL FEES

In the event of any contract dispute hereunder, each party to this MOU shall bear its own attorney's fees and costs regardless of who prevails in the outcome of the dispute.

VII. CONCLUSION

- A. This MOU constitutes an integrated agreement, expressing the understanding of the parties concerning the subject matter of this agreement, and it supersedes all prior understandings, whether oral or written, express or implied.
- B. When executed, each counterpart shall be deemed an original irrespective of the date of execution and shall together constitute one and the same MOU.

IN WITNESS THEREOF, the authorized parties have signed below:

**SAN BERNARDINO
ASSOCIATED GOVERNMENTS**

**VICTOR VALLEY
TRANSIT AUTHORITY**

Paul M. Eaton
President

Chair

Date: _____

Date: _____

Approved as to Form:

Jean-Rene Basle
SANBAG Counsel

Minute Action

AGENDA ITEM: 5

Date: November 19, 2009

Subject: Memorandums of Understanding (MOUs) for the substitution of State Transit Assistance (STA) for Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) and California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF).

Recommendation:*

1. Approve MOU C10135 with Omnitrans in the amount of \$6,950,690, MOU C10137 with the Morongo Basin Transit Authority (MBTA) in the amount of \$255,079, and MOU C10138 with the City of Barstow in the amount of \$312,171.
2. Approve amendment to Task Budget 5071000 increasing the budget authority amount by \$7,517,940 for a new total of \$8,402,350 as identified in the Financial Impact Section.

Background: Prior to the development of the transit agencies' annual operating and capital budget, usually in December or early January, SANBAG provides an estimate of the various revenue sources that are anticipated for the upcoming budget year. For the Fiscal Year 2009/2010 forecast, SANBAG acknowledged the loss of STA that was ultimately approved in the State budget. However, similar to the prior fiscal year raid on STA, we anticipated that the State would include provisions for

*

Approved
Commuter Rail and Transit Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

CRTC0911a-mab
50710000
Attachments:
C10135-mab
C10137-mab
C10138-mab

issuing bonds under the Proposition 1B PTMISEA in an amount close to what the STA amount would have been and a continuation of the annual issuance of bonds under the CTSGP-CTAF. Three of the six county transit systems incorporated our estimates of PTMISEA and CTSGP-CTAF into their current year capital budgets. It now appears as though the State will not be issuing bonds for either program this year and may have difficulty issuing bonds for the remaining PTMISEA Cycle 2 (Fiscal Year 2008/2009) projects. Without the Proposition 1B funds, the transit agencies would have to forgo not only the delivery of capital projects in their budget, but also applying for the federal transit formula funds due to the inability to provide a local match or default on procurements already under contract. Collectively, the three transit agencies have budgeted \$7.5 million in PTMISEA and CTSGP-CTAF for capital projects.

Over the past several years, SANBAG has withheld the allocation of some of the STA population apportionment to the San Bernardino Valley in order to accumulate funds for the Redlands passenger rail project. Currently the STA fund has an adequate unrestricted fund balance to allow approximately \$7.5 million in STA revenue to replace the PTMISEA and CTSGP-CTAF in the transit agencies' budgets.

The MOU is structured in a manner that will allow SANBAG to retain future population based apportionments of PTMISEA and CTSGP-CTAF to offset the nearly \$7.5 million in STA, plus interest, that would be allocated to the transit agencies this year. Proposition 1B provides for funding in the amount of \$3.6 billion and \$60 million in PTMISEA and CTSGP-CTAF programs respectively. Both programs apportion the funds by the same formula to specific eligible transit operators and to regional transportation agencies (SANBAG). For San Bernardino County almost 84% of the funds available in any given year are apportioned based on population and SANBAG has the discretion to determine how those funds are distributed. To date the State has provided funding over Fiscal Years 2007/2008 and 2008/2009. In Fiscal Year 2008/2009 the amount apportioned to SANBAG was \$8.99 million and \$1.59 million in PTMISEA and CTSGP-CTAF respectively. Our approach to the distribution of the funds apportioned to SANBAG is that each transit agency would have the opportunity to receive its share, if needed for capital projects, based on their service area population. In the future, SANBAG would withhold the amount that would be available to each of the four operators executing the MOU until such time as we have recovered the amount of STA that is being provided.

CRTC0911a-mab
50710000
Attachments:
C10135-mab
C10137-mab
C10138-mab

- Financial Impact:*** This item is not consistent with the adopted budget. An amendment to increase the new budget authority of Task 50710000 – State Transit Assistance Fund by \$7,517,940 for a new total of \$8,402,350 is required. The increase in funding is being provided from the unrestricted balance that is available in the STA fund.
- Reviewed By:*** This item will be reviewed by the Commuter Rail and Transit Committee on November 19, 2009. The MOUs have been reviewed and approved by SANBAG legal counsel.
- Responsible Staff:*** Mitch Alderman, Director of Transit and Rail Programs

SANBAG Contract No. **C10135**

by and between

San Bernardino Associated Governments and Omnitrans

for the exchange of State Transit Assistance for Proposition 1B Public Transportation
Modernization, Improvement and Service Enhancement Account (PTMISEA) and California
Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF)

FOR ACCOUNTING PURPOSES ONLY

| | | | |
|---|-------------------------|---|--|
| <input checked="" type="checkbox"/> Payable | Vendor Contract # _____ | Retention: | <input checked="" type="checkbox"/> Original |
| <input type="checkbox"/> Receivable | Vendor ID _____ | <input type="checkbox"/> Yes _____ % <input checked="" type="checkbox"/> No | <input type="checkbox"/> Amendment |

Notes: Transaction will be between the STA Fund and future population apportionments of PTMISEA and CTSGP-CTAF

| | | | |
|---------------------------------------|---------------------|---|-----------------|
| Original Contract: | \$ 6,950,690 | Previous Amendments | \$ _____ |
| | | Previous Amendments | \$ _____ |
| | | Contingency / Allowance Total: | |
| Contingency / Allowance Amount | \$ _____ | Current Amendment: | \$ _____ |
| | | Current Amendment Contingency / Allowance: | \$ _____ |

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL ► \$ 6,950,690

* Funding sources remain as stated on this document unless and until amended by proper authority. Funding sources are those which are ultimately responsible for the expenditure.

▼ Include funding allocation for the original contract or the amendment

| Main Task/ Project | Level 1 | Level 2 | Cost Code/ Object | Grant ID/ Supplement | Funding Sources/ Fund Type (Measure I, STP, CMAQ, etc.) | Amounts for Contract Total or Current Amndmnt Amt |
|-----------------------|---------|---------|----------------------|-------------------------|---|--|
| 0507 | 776 | 774 | 5902122505 | _____ | STA | \$ 6,950,690 |

Original Board Approved Contract Date: 12/2/09 Contract Start: 12/2/09 Contract End: Open

New Amend. Approval (Board) Date: _____ Amend. Start: _____ Amend. End: _____

Allocate the **Total Contract Amount** or **Current Amendment** amount between **Approved Budget Authority** in the current year and **Future Fiscal Year(s) Unbudgeted Obligation**.

| | | | |
|------------------------------------|--|--|-----------------|
| Approved Budget Authority ► | Fiscal Year: <u>2009/10</u> \$ 6,950,690 | Future Fiscal Year(s) – Unbudgeted Obligation ► | \$ _____ |
|------------------------------------|--|--|-----------------|

- ☐ Budget authority for this contract currently exists in Task No. _____ (C-Task may be used here.).
☒ A budget amendment is required. A Budget Amendment Request is attached.

CONTRACT MANAGEMENT

Check all applicable boxes:

- ☒ Intergovernmental ☐ Private ☐ Federal Funds ☐ State/Local Funds
☐ Disadvantaged Business Enterprise (DBE) ☐ Underutilized DBE (UDBE)

Task Manager: Mitch Alderman

Contract Manager: Mitch Alderman

Mitchell A. Alderman 11/10/09
Task Manager Signature Date

Mitchell A. Alderman 11/10/09
Contract Manager Signature Date

Chief Financial Officer Signature Date

MEMORANDUM OF UNDERSTANDING

C10135

between

SAN BERNARDINO ASSOCIATED GOVERNMENTS

and

OMNITRANS

This Memorandum of Understanding (MOU) is entered into this 2nd day of December, 2009, by and between the San Bernardino Associated Governments (SANBAG), acting as the San Bernardino County Transportation Commission, and Omnitrans, a joint powers agency providing public transportation in the San Bernardino Valley, to enable the allocation of State Transit Assistance (STA) funds for capital projects included in the Omnitrans Fiscal Year 2009/2010 adopted budget in exchange for future apportionments of Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) and California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF).

WHEREAS, based upon preliminary fund estimates provided by SANBAG, the Omnitrans Fiscal Year 2009/2010 adopted capital budget included an expectation of receiving \$5,632,378 and \$1,318,312 from the State of California in PTMISEA and CTSGP-CTAF revenues respectively; and

WHEREAS, the receipt of PTMISEA and CTSGP-CTAF revenue would be used to provide the local match for federal transit formula funds (FTA Section 5307); and

WHEREAS, the adopted Fiscal Year 2009/2010 State of California does not appear to include a provision for issuing bonds under the PTMISEA and CTSGP-CTAF programs; and

WHEREAS, SANBAG has determined that there are, within the unrestricted balance of the local STA fund, sufficient revenues to replace the expected amounts from the PTMISEA and CTSGP-CTAF for Fiscal Year 2009/2010 in exchange for future population-based apportionments of PTMISEA and CTSGP-CTAF.

NOW THEREFORE, SANBAG and Omnitrans agree as follows:

1. Upon approval of this MOU and the receipt of a revised Transportation Development Act Transit Claim from Omnitrans, SANBAG shall issue an STA allocation instruction in

the amount of \$6,950,690 for capital projects contained in the adopted Omnitrans Fiscal Year 2009/2010 capital budget as identified in Attachment A.

2. As a condition of the receipt of STA funds, Omnitrans agrees to forego future allocations from the population-based apportionment of PTMISEA and CTSGP-CTAF program funds until such time as SANBAG recovers an amount equal to the amount of STA funds allocated plus interest at the rate of interest earned by the County of San Bernardino Treasury pooled investments, calculated quarterly. SANBAG may, in its sole discretion, allow for a partial allocation of future population-based apportionments of PTMISEA and CTSGP-CTAF prior to obtaining the full recovery if necessary.

3. In the event of any dispute hereunder, each party to this MOU shall bear its own attorney's fees and cost regardless of who prevails in the outcome of the dispute.

4. This MOU constitutes an agreement expressing the understanding of the parties concerning the subject matter of this agreement, and it supersedes all prior understandings, whether oral or written, express or implied.

5. When executed, each counterpart shall be deemed as original irrespective of the date of execution and shall together constitute one and the same MOU.

IN WITNESS THEREOF, the authorized parties have signed below:

**SAN BERNARDINO
ASSOCIATED GOVERNMENTS**

OMNITRANS

Paul M. Eaton
President

Penny Lilburn
Chair

Approved as to Form:

Jean-Rene Basle
SANBAG Counsel

C10135

Attachment A

| Transit System | FY 2009/10 PTMISEA | FY 2009/10 CTSGP CTAF | Total |
|-------------------------------|-------------------------------|----------------------------------|--------------------|
| Omnitrans | | | |
| Lease - Relief Cars | \$40,223 | | |
| Kronos Update | \$3,635 | | |
| Lift Truck | \$8,938 | | |
| Parts Truck | \$11,603 | | |
| Computer Hardware | \$112,624 | | |
| Major Software Applications | \$158,657 | | |
| Software Licensing & Upgrades | \$40,223 | | |
| Network Infrastructure | \$4,469 | | |
| Transit Enhancements | \$36,441 | | |
| Stops & Zones | \$5,363 | | |
| Transit Security Projects | | \$1,318,312 | |
| Bus Replacement | \$1,461,321 | | |
| EV Building Painting | \$5,587 | | |
| EV Parking Lot Maintenance | \$7,137 | | |
| EV/WV Methane Detection | \$16,000 | | |
| WV Yard Pavement Maintenance | \$8,118 | | |
| WV Hoist | \$5,587 | | |
| WV Interior Painting | \$27,933 | | |
| WV Building Automation | \$8,326 | | |
| WV Fuel Island Roof Repair | \$8,122 | | |
| Warehouse Racking | \$6,704 | | |
| I Street Facility | \$2,584 | | |
| LCNG Station Upgrade | \$16,760 | | |
| sbX | \$3,636,023 | | |
| Total | \$5,632,378 | \$1,318,312 | \$6,950,690 |

SANBAG Contract No. C10137

by and between

San Bernardino Associated Governments and Morongo Basin Transit Authority
for the exchange of State Transit Assistance for Proposition 1B Public Transportation
Modernization, Improvement and Service Enhancement Account (PTMISEA)

FOR ACCOUNTING PURPOSES ONLY

| | | | |
|---|-------------------------|---|--|
| <input checked="" type="checkbox"/> Payable | Vendor Contract # _____ | Retention: | <input checked="" type="checkbox"/> Original |
| <input type="checkbox"/> Receivable | Vendor ID _____ | <input type="checkbox"/> Yes _____ % <input checked="" type="checkbox"/> No | <input type="checkbox"/> Amendment |

Notes: Transaction will be between the STA Fund and future population apportionments of PTMISEA

| | | | |
|---------------------------------------|-------------------|---|----------|
| Original Contract: | \$ <u>255,079</u> | Previous Amendments | \$ _____ |
| | | Previous Amendments | \$ _____ |
| | | Contingency / Allowance Total: | |
| Contingency / Allowance Amount | \$ _____ | Current Amendment: | \$ _____ |
| | | Current Amendment Contingency / Allowance: | \$ _____ |

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL ► \$ 255,079

* Funding sources remain as stated on this document unless and until amended by proper authority. Funding sources are those which are ultimately responsible for the expenditure.

▼ Include funding allocation for the original contract or the amendment

| Main Task/ Project | Level 1 | Level 2 | Cost Code/ Object | Grant ID/ Supplement | Funding Sources/ Fund Type (Measure I, STP, CMAQ, etc.) | Amounts for Contract Total or Current Amndmnt Amt |
|-----------------------|------------|------------|----------------------|-------------------------|---|--|
| <u>0507</u> | <u>776</u> | <u>772</u> | <u>5902122501</u> | _____ | <u>STA</u> | <u>\$ 255,079</u> |
| _____ | _____ | _____ | _____ | _____ | _____ | \$ _____ |

| | | | |
|--|----------------|-----------------|---------------------------|
| Original Board Approved Contract Date: | <u>12/2/09</u> | Contract Start: | Contract End: <u>Open</u> |
| | | <u>12/2/09</u> | |

| | | | |
|-----------------------------------|-------|---------------------|-------------------|
| New Amend. Approval (Board) Date: | _____ | Amend. Start: _____ | Amend. End: _____ |
|-----------------------------------|-------|---------------------|-------------------|

Allocate the **Total Contract Amount** or **Current Amendment** amount between **Approved Budget Authority** in the current year and **Future Fiscal Year(s) Unbudgeted Obligation**.

| | | | |
|------------------------------------|-----------------------------|--|----------|
| Approved Budget Authority ► | Fiscal Year: <u>2009/10</u> | Future Fiscal Year(s) – Unbudgeted Obligation ► | \$ _____ |
| | \$ <u>255,079</u> | | |

☐ Budget authority for this contract currently exists in Task No. _____ (C-Task may be used here.).

☒ A budget amendment is required. A Budget Amendment Request is attached.

CONTRACT MANAGEMENT

Check all applicable boxes:

☒ Intergovernmental ☐ Private ☐ Federal Funds ☐ State/Local Funds
☐ Disadvantaged Business Enterprise (DBE) ☐ Underutilized DBE (UDBE)

Task Manager: Mitch Alderman

Contract Manager: Mitch Alderman

Mitchell A. Alderman 11/10/09
 Task Manager Signature Date

Mitchell A. Alderman 11/10/09
 Contract Manager Signature Date

Chief Financial Officer Signature Date

MEMORANDUM OF UNDERSTANDING

C10137

between

SAN BERNARDINO ASSOCIATED GOVERNMENTS

and

MORONGO BASIN TRANSIT AUTHORITY

This Memorandum of Understanding (MOU) is entered into this 2nd day of December, 2009, by and between the San Bernardino Associated Governments (SANBAG), acting as the San Bernardino County Transportation Commission, and Morongo Basin Transit Authority (MBTA), a joint powers agency providing public transportation in the Morongo Basin, to enable the allocation of State Transit Assistance (STA) funds for certain capital projects included in the MBTA Fiscal Years 2008/2009 2009/2010 adopted budgets in exchange for future apportionments of Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA).

WHEREAS, based upon preliminary fund estimates provided by SANBAG, the MBTA Fiscal Years 2008/2009 and 2009/2010 adopted capital budgets included an expectation of receiving \$255,079 from the State of California in PTMISEA revenues; and

WHEREAS, the receipt of PTMISEA revenue would be used to procure paratransit vehicles and an emergency generator; and

WHEREAS, the adopted Fiscal Year 2009/2010 State of California does not appear to include a provision for issuing bonds under the PTMISEA program; and

WHEREAS, SANBAG has determined that there are, within the unrestricted balance of the local STA fund, sufficient revenues to replace the expected amounts from the PTMISEA for Fiscal Years 2008/2009 and 2009/2010 as shown in Attachment A in exchange for future population-based apportionments of PTMISEA.

NOW THEREFORE, SANBAG and MBTA agree as follows:

1. Upon approval of this MOU and the receipt of a revised Transportation Development Act Transit Claim from MBTA, SANBAG shall issue an STA allocation instruction in

the amount of \$255,079 for the capital projects contained in the adopted MBTA Fiscal Years 2008/2009 and 2009/2010 capital budget as identified in Attachment A.

2. As a condition of the receipt of STA funds, MBTA agrees to forego future allocations from the population-based apportionment of PTMISEA program funds until such time as SANBAG recovers an amount equal to the amount of STA funds allocated plus interest at the rate of interest earned by the County of San Bernardino Treasury pooled investments, calculated quarterly. SANBAG may, in its sole discretion, allow for a partial allocation of future population-based apportionments of PTMISEA prior to obtaining the full recovery if necessary.

3. In the event of any dispute hereunder, each party to this MOU shall bear its own attorney's fees and cost regardless of who prevails in the outcome of the dispute.

4. This MOU constitutes an agreement expressing the understanding of the parties concerning the subject matter of this agreement, and it supersedes all prior understandings, whether oral or written, express or implied.

5. When executed, each counterpart shall be deemed as original irrespective of the date of execution and shall together constitute one and the same MOU.

IN WITNESS THEREOF, the authorized parties have signed below:

**SAN BERNARDINO
ASSOCIATED GOVERNMENTS**

**MORONGO BASIN
TRANSIT AUTHORITY**

Paul M. Eaton
President

Chair

Approved as to Form:

Jean-Rene Basle
SANBAG Counsel

C10137

Attachment A

| Transit System | FY 2009/10 PTMISEA | FY 2009/10 CTSGP CTAF | Total |
|--|-----------------------|--------------------------|------------------|
| Morongo Basin Transit Authority | | | |
| Emergency Generator | \$72,573 | | |
| Replacement Vehicles (Cycle 2) | \$182,506 | | |
| Total | \$255,079 | | \$255,079 |

SANBAG Contract No. C10138

by and between

San Bernardino Associated Governments and City of Barstow

**for the exchange of State Transit Assistance for Proposition 1B Public Transportation
Modernization, Improvement and Service Enhancement Account (PTMISEA)**

FOR ACCOUNTING PURPOSES ONLY

| | | | |
|---|-------------------------|---|--|
| <input checked="" type="checkbox"/> Payable | Vendor Contract # _____ | Retention: | <input checked="" type="checkbox"/> Original |
| <input type="checkbox"/> Receivable | Vendor ID _____ | <input type="checkbox"/> Yes _____ % <input checked="" type="checkbox"/> No | <input type="checkbox"/> Amendment |

Notes: Transaction will be between the STA Fund and future population apportionments of PTMISEA

| | |
|---|---|
| Original Contract: \$ <u>312,171</u> | Previous Amendments \$ _____ |
| | Previous Amendments \$ _____ |
| | Contingency / Allowance Total: \$ _____ |
| Contingency / Allowance Amount \$ _____ | Current Amendment: \$ _____ |
| | Current Amendment Contingency / Allowance: \$ _____ |

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL ► \$ 312,171

* Funding sources remain as stated on this document unless and until amended by proper authority. Funding sources are those which are ultimately responsible for the expenditure.

▼ Include funding allocation for the original contract or the amendment

| Main Task/ Project | Level 1 | Level 2 | Cost Code/ Object | Grant ID/ Supplement | Funding Sources/ Fund Type (Measure I, STP, CMAQ, etc.) | Amounts for Contract Total or Current Amndmnt Amt |
|-----------------------|---------|---------|----------------------|-------------------------|---|--|
| 0507 | 776 | 770 | 5902122501 | | STA | \$ <u>312,171</u> |
| | | | | | | \$ _____ |

| | | |
|---|--------------------------------|---------------------------|
| Original Board Approved Contract Date: <u>12/2/09</u> | Contract Start: <u>12/2/09</u> | Contract End: <u>Open</u> |
|---|--------------------------------|---------------------------|

| | | |
|---|---------------------|-------------------|
| New Amend. Approval (Board) Date: _____ | Amend. Start: _____ | Amend. End: _____ |
|---|---------------------|-------------------|

Allocate the **Total Contract Amount** or **Current Amendment** amount between **Approved Budget Authority** in the current year and **Future Fiscal Year(s) Unbudgeted Obligation**.

| | | | |
|-----------------------------|--|--|----------|
| Approved Budget Authority ► | Fiscal Year: <u>2009/10</u> \$ <u>312,171</u> | Future Fiscal Year(s) – Unbudgeted Obligation ► | \$ _____ |
|-----------------------------|--|--|----------|

☐ Budget authority for this contract currently exists in Task No. _____ (C-Task may be used here.).

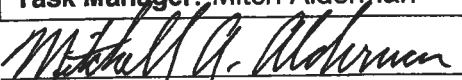
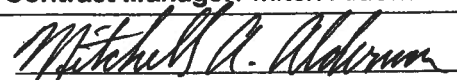
☒ A budget amendment is required. A Budget Amendment Request is attached.

CONTRACT MANAGEMENT

Check all applicable boxes:

| | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Intergovernmental | <input type="checkbox"/> Private | <input type="checkbox"/> Federal Funds | <input type="checkbox"/> State/Local Funds |
| <input type="checkbox"/> Disadvantaged Business Enterprise (DBE) | <input type="checkbox"/> Underutilized DBE (UDBE) | | |

| | |
|------------------------------|----------------------------------|
| Task Manager: Mitch Alderman | Contract Manager: Mitch Alderman |
|------------------------------|----------------------------------|

| | |
|---|--|
|  Task Manager Signature |  Contract Manager Signature |
| <u>11/10/09</u> Date | <u>11/10/09</u> Date |

Chief Financial Officer Signature _____ Date _____

C10138-css
50710000

MEMORANDUM OF UNDERSTANDING

C10138

between

SAN BERNARDINO ASSOCIATED GOVERNMENTS

and

CITY OF BARSTOW

This Memorandum of Understanding (MOU) is entered into this 2nd day of December, 2009, by and between the San Bernardino Associated Governments (SANBAG), acting as the San Bernardino County Transportation Commission, and City of Barstow (CITY), a public entity providing public transportation in the City of Barstow and its immediate unincorporated area, to enable the allocation of State Transit Assistance (STA) funds for capital projects included in the CITY's Fiscal Year 2009/2010 adopted transit budget in exchange for future apportionments of Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA).

WHEREAS, based upon preliminary fund estimates provided by SANBAG, the CITY's Fiscal Year 2009/2010 adopted transit capital budget included an expectation of receiving \$312,171 from the State of California in PTMISEA revenues; and

WHEREAS, the receipt of PTMISEA revenue would be used to procure replacement vehicles; and

WHEREAS, the adopted Fiscal Year 2009/2010 State of California does not appear to include a provision for issuing bonds under the PTMISEA program; and

WHEREAS, SANBAG has determined that there are, within the unrestricted balance of the local STA fund, sufficient revenues to replace the expected amounts from the PTMISEA for Fiscal Year 2009/2010 in exchange for future population-based apportionments of PTMISEA.

NOW THEREFORE, SANBAG and CITY agree as follows:

1. Upon approval of this MOU and the receipt of a revised Transportation Development Act Transit Claim from CITY, SANBAG shall issue an STA allocation instruction in the amount of \$312,171 for the capital project contained in the adopted CITY's Fiscal Year 2009/2010 transit capital budget as identified in Attachment A.

2. As a condition of the receipt of STA funds, CITY agrees to forego future allocations from the population-based apportionment of PTMISEA program funds until such time as SANBAG recovers an amount equal to the amount of STA funds allocated plus interest at the rate of interest earned by the County of San Bernardino Treasury pooled investments, calculated quarterly. SANBAG may, in its sole discretion, allow for a partial allocation of future population-based apportionments of PTMISEA prior to obtaining the full recovery if necessary.

3. In the event of any dispute hereunder, each party to this MOU shall bear its own attorney's fees and cost regardless of who prevails in the outcome of the dispute.

4. This MOU constitutes an agreement expressing the understanding of the parties concerning the subject matter of this agreement, and it supersedes all prior understandings, whether oral or written, express or implied.

5. When executed, each counterpart shall be deemed as original irrespective of the date of execution and shall together constitute one and the same MOU.

IN WITNESS THEREOF, the authorized parties have signed below:

**SAN BERNARDINO
ASSOCIATED GOVERNMENTS**

CITY OF BARSTOW

Paul M. Eaton
President

Mayor

Approved as to Form:

Jean-Rene Basle
SANBAG Counsel

C10138

Attachment A

| Transit System | FY 2009/10 PTMISEA | FY 2009/10 CTSGP CTAF | Total |
|----------------------|-----------------------|--------------------------|-----------|
| Barstow Area Transit | | | |
| Replacement Vehicles | \$312,171 | | |
| Total | \$312,171 | | \$312,171 |

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 6

Date: November 19, 2009

Subject: Rail and Transit Program Update

Recommendation:* Staff will present current rail and transit programs

Background: With the reformulation of the Commuter Rail Committee to include transit, and the addition of two new members from the Mountain/Desert area, staff will update the committee on transit and rail activities. In addition, staff will continue with a series of "Railroad/Transit 101" topics to help inform the members to varying aspects of the rail and transit industry including such topics as regulations, agreements, organization structure, engineering, construction, operations, and maintenance.

Financial Impact: This item is consistent with the adopted budget and imposes no additional financial impact.

Reviewed By: This item will be reviewed by the Commuter Rail and Transit Committee on November 19, 2009.

Responsible Staff: Mitch Alderman, Director of Transit and Rail Programs

*

Approved
Commuter Rail and Transit Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist SANBAG Board Members and partners as they participate in deliberations at SANBAG Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. SANBAG staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

| | |
|----------|--|
| AB | Assembly Bill |
| ACE | Alameda Corridor East |
| ACT | Association for Commuter Transportation |
| ADA | Americans with Disabilities Act |
| ADT | Average Daily Traffic |
| APTA | American Public Transportation Association |
| AQMP | Air Quality Management Plan |
| ARRA | American Recovery and Reinvestment Act |
| ATMIS | Advanced Transportation Management Information Systems |
| BAT | Barstow Area Transit |
| CALACT | California Association for Coordination Transportation |
| CALCOG | California Association of Councils of Governments |
| CALSAFE | California Committee for Service Authorities for Freeway Emergencies |
| CARB | California Air Resources Board |
| CEQA | California Environmental Quality Act |
| CMAQ | Congestion Mitigation and Air Quality |
| CMIA | Corridor Mobility Improvement Account |
| CMP | Congestion Management Program |
| CNG | Compressed Natural Gas |
| COG | Council of Governments |
| CSAC | California State Association of Counties |
| CTA | California Transit Association |
| CTC | California Transportation Commission |
| CTC | County Transportation Commission |
| CTP | Comprehensive Transportation Plan |
| DBE | Disadvantaged Business Enterprise |
| DEMO | Federal Demonstration Funds |
| DOT | Department of Transportation |
| EA | Environmental Assessment |
| E&D | Elderly and Disabled |
| E&H | Elderly and Handicapped |
| EIR | Environmental Impact Report (California) |
| EIS | Environmental Impact Statement (Federal) |
| EPA | Environmental Protection Agency |
| FHWA | Federal Highway Administration |
| FSP | Freeway Service Patrol |
| FTA | Federal Transit Administration |
| FTIP | Federal Transportation Improvement Program |
| GFOA | Government Finance Officers Association |
| GIS | Geographic Information Systems |
| HOV | High-Occupancy Vehicle |
| ICTC | Interstate Clean Transportation Corridor |
| IEEP | Inland Empire Economic Partnership |
| ISTEA | Intermodal Surface Transportation Efficiency Act of 1991 |
| IIP/ITIP | Interregional Transportation Improvement Program |
| ITS | Intelligent Transportation Systems |
| IVDA | Inland Valley Development Agency |
| JARC | Job Access Reverse Commute |
| LACMTA | Los Angeles County Metropolitan Transportation Authority |
| LNG | Liquefied Natural Gas |
| LTF | Local Transportation Funds |
| MAGLEV | Magnetic Levitation |

| | |
|------------|--|
| MARTA | Mountain Area Regional Transportation Authority |
| MBTA | Morongo Basin Transit Authority |
| MDAB | Mojave Desert Air Basin |
| MDAQMD | Mojave Desert Air Quality Management District |
| MOU | Memorandum of Understanding |
| MPO | Metropolitan Planning Organization |
| MSRC | Mobile Source Air Pollution Reduction Review Committee |
| NAT | Needles Area Transit |
| NEPA | National Environmental Policy Act |
| OA | Obligation Authority |
| OCTA | Orange County Transportation Authority |
| PA&ED | Project Approval and Environmental Document |
| PASTACC | Public and Specialized Transportation Advisory and Coordinating Council |
| PDT | Project Development Team |
| PNRS | Projects of National and Regional Significance |
| PPM | Planning, Programming and Monitoring Funds |
| PSE | Plans, Specifications and Estimates |
| PSR | Project Study Report |
| PTA | Public Transportation Account |
| PTC | Positive Train Control |
| PTMISEA | Public Transportation Modernization, Improvement and Service Enhancement Account |
| PUC | Public Utilities Commission |
| RCTC | Riverside County Transportation Commission |
| RDA | Redevelopment Agency |
| RFP | Request for Proposal |
| RIP | Regional Improvement Program |
| RSTIS | Regionally Significant Transportation Investment Study |
| RTIP | Regional Transportation Improvement Program |
| RTP | Regional Transportation Plan |
| RTPA | Regional Transportation Planning Agencies |
| SB | Senate Bill |
| SAFE | Service Authority for Freeway Emergencies |
| SAFETEA-LU | Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users |
| SCAB | South Coast Air Basin |
| SCAG | Southern California Association of Governments |
| SCAQMD | South Coast Air Quality Management District |
| SCRRA | Southern California Regional Rail Authority |
| SHA | State Highway Account |
| SHOPP | State Highway Operations and Protection Program |
| SOV | Single-Occupant Vehicle |
| SRTP | Short Range Transit Plan |
| STAF | State Transit Assistance Funds |
| STIP | State Transportation Improvement Program |
| STP | Surface Transportation Program |
| TAC | Technical Advisory Committee |
| TCIF | Trade Corridor Improvement Fund |
| TCM | Transportation Control Measure |
| TCRP | Traffic Congestion Relief Program |
| TDA | Transportation Development Act |
| TEA | Transportation Enhancement Activities |
| TEA-21 | Transportation Equity Act for the 21 st Century |
| TMC | Transportation Management Center |
| TMEE | Traffic Management and Environmental Enhancement |
| TSM | Transportation Systems Management |
| TSSDRA | Transit System Safety, Security and Disaster Response Account |
| USFWS | United States Fish and Wildlife Service |
| VCTC | Ventura County Transportation Commission |
| VVTA | Victor Valley Transit Authority |
| WRCOG | Western Riverside Council of Governments |

San Bernardino Associated Governments



MISSION STATEMENT

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning
- Develop an accessible, efficient, multi-modal transportation system
- Strengthen economic development efforts
- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

Approved June 2, 1993
Reaffirmed March 6, 1996

